File No. 1018
1934

Collection No.

A 1018/34

Mas 47

Resident's Office,
Bangalore

(W)

P44

Pros. Serial Nos. 1 8

Subject.

Application of the Madras Children Act, 1920 and the Madras Borstal Schools Act to the C & M. Stn. of Bangalore

Previous References.

796/21

Later References.

1188/34

RF 163/40

RF 263/42

Indexed

A
19/11/45

20/11

S. 97. (Blue).

DOFP—1658S&P—(M-1937)—19-12-32—60,000.

NOTES AND PRECIS.

S.N.16 - PUC.

Letter No.18707, dated the 28th November 1933 from the Inspector General of Prisons, Cotacamund.

A

APPLICATION OF THE MADRAS CHILDREN ACT-1920.
Accomodation for Juvenile Offenders.

Colln.'S' 19

The notes at Paras 9 - 15 give a full account of the position. Para 13 relating to the probable number of admissions and the estimated cost of the scheme requires modification in the light of the data subsequently obtained. The number of juveniles sentenced by the Station courts and undergoing imprisonment in the Bangalore Central Jail and the Madras Jails during the 5 years ending 1932 has been ascertained to be 94. On this basis the average number per year requiring admission in certified schools will be 19 against the District Magistrate's original estimate of 25. The number for whose accommodation provision for expenditure will have to be provided for annually will be 57 or 76 according as the period of detention in the School is 3 or 4 years.

85 in Bangalore, - Statt. at S.N. 11/b of 'S'
9 in Madras - S.N. 16/a - Encl. to P.U.C.
94

S.N.3 of 'S'

S.N.5 of 'S'

20

The financial liability on account of the proposal is examined in paras 20 - 23.

1. Total estimated recurring expenditure at the rate of Rs.240/- per head per annum for 57 boys, (3 years detention 19×3) Rs.13680

do - for 76 boys, (4 years detention) 18240

2. Average

2. Average annual expenditure incurred at present on the maintenance of Station juvenile offenders in Madras and Bangalore (State) Jails:

Rs. 217- 8-0 Mysore*.
" 60-10-0 Madras +

278- 2-9
---

3. Additional expenditure vide para 1-2. Rs. 13402 (for 57 boys)
or
Rs. 17962 (for 76 boys)

21 It is however relevant to note that the net additional financial liability on account of the proposal is not as great as is represented by the figures in item 3 above. There are two factors which affect the question of net additional liability:

(a) the Educational nature of the training and

(b) the rate at which payment is made to the Governments of Mysore and Madras for the accommodation of Juvenile prisoners.

22 (a) in para 21 above.

Elementary Education in the Station is free though not compulsory. Government are incurring at present expenditure at the rate of Rs. 25-2-0 per scholar per annum. If the Juveniles are put to school, Government will have to incur on their account an annual expenditure of

57 X 25-2)
or) i.e.,
76 X 25-2)

Rs. 1,432 or 1,909.

Certified

* Statt. at the bottom of page 2 of S.N.11/b of 'S'

+ Statt at S.N.16/a - Encl. to PUC.

* verified from the Administration report.

Certified school training is a course of reformatory education for young persons with a criminal tendency and as such, expenditure for such purposes takes the same place as expenditure on ordinary education.

(b) in para 21 above.

vide columns 7 & 8 of S.N.11/a of 'S'

Juvenile offenders are detained in Jails for comparatively short periods, apparently having regard to their young age. The amount paid for their accommodation relates to the short periods of their actual detention. The actual charges per head (Rs.2-15-4 or about Rs.3) per annum have therefore fallen considerably below the rate fixed for them viz., Rs.131 per annum for accommodation in Bangalore (State) Jail and about Rs.128/- (the average for the 5 years ending 1932) in the Madras Jails. There is however a liability on the Government for an expenditure calculated at the above rates assuming that the term of their imprisonment is the same as the period of their detention in certified schools viz., 3 or 4 years. The extent of this contingent liability is as shown below:-

If the period of imprisonment is 3 years - or 57 boys a year	Rs.7449
-do- 4 years or 76 -do-	9932

If the two aspects mentioned above are taken into account the existing liability of Government and the

future

future additional liability on account of the present proposal will be as follows:

A - Existing liability.

(a) for 57 boys -	(i) Towards education		1432
	(ii) -do- detention in jails		7449
		Total	* 8881
(b) for 76 boys -	(i) Towards education		1909
	(ii) -do- detention in jails		9932
		Total	** 11841

B - Future additional liability.

(a) for 57 boys	Rs.13680 - 8881	Rs.4799 or 4800
(b) for 76 boys	Rs.18240 - 11841**	Rs.6399 or 6400

vide item 19 para 1 note

23

S.N. 1 & 2 (S)

The net cost for the rest of the period (3 years commencing from the beginning of 1933), for which the rate of Rs.240 has been fixed by the Government of Madras, will be as follows:

Number of boys to be accommodated in 1934.		19
-do- -do-	in 1935	38
	Total	57
Amount to be paid for the accommodation of the above number at Rs.240/- per head per annum for (1934+1935 - complete years)		4560 plus 9120 = 13,680.
-do- -do- excluding the first quarter of 1934		12,540
Savings as per item 2 of para 20		Rs.278-2 X 1.75 = Rs.486
Net Cost for the rest of the 3-year period		Rs.12540 - 486 = 12054
The expenditure during 1934 excluding the 1st quarter		* Rs.3420/-

*This amount will have to be found by re-appropriation later

later in the year or by an additional grant.

The financial liability mentioned above is without reference to the possible effect of a partial retrocession of the Civil and Military Station which might diminish ~~the number~~ considerably the no. of persons requiring accomodation.

24 The offer of the Government of Madras may be accepted and the proposal placed before the Government of India who may also be requested to apply the Madras Children Act to the Station.

Application of Section 29 of the Act to Young persons found in a destitute condition etc.,

25 Page 10 of the Act at 'N'

Section 29 provides for ~~the~~ bringing within the scope of the Act, Children and young persons, who may be in a destitute condition etc., not being youthful offenders i.e., persons under 16 yrs. of age, convicted of a crime punishable with transportation or imprisonment as defined in section 3(3) of the Act. This section will come into force only when it is specially applied by the Local Govt. by a separate notification. It is necessary to apply this section as its enforcement would act as a preventive against juvenile crime. This notification may be issued along with the one referred to in the following para

Page 2 of 'N'

Bringing the Act into force.

26 Under section 1(2), the Act, as applied, will come into

into force on such date as the local Govt. may by notification direct. A separate notification by the Resident is therefore necessary to bring the Act into force. It may be issued after the Governor General in Council has applied the Act.

Application of the Madras Borstal Schools Act, 1925.

27

The Madras Children Act provides for the detention and training in certified schools of young persons, children, and youthful offenders (under 16 years of age) - vide definition in section 3(2) of the Act, as defined in

(N)

The Madras Borstal schools Act provides for the detention and training of adolescents (adolescent offenders) - i.e., persons of not less than 16 years of age and not more than 21 years, in Borstal schools - vide section 2(1) of the Borstal Schools Act. Clause (e) of Sub-section (2) of Section 35 of the Madras Children Act (as introduced by the Amending Act, No.VI of 1928) provides for the transfer to a Borstal School of a youthful offender over the age of 16 years detained in a (senior) certified school. The age limit referred to in section 3(3) of the Children Act has reference only to the age of a person at the time of his conviction, and not throughout the period of his detention in a certified school. A person may therefore reamin in a certified school for a considerably long period after attaining the age of 16 years provided he

Page 108 of the volume of the Fort St George Gazette 1926.
-'B'-

Page 10 (N)

was

under 16
~~was 16 years or less~~ at the time of conviction. The question therefore arises as to whether it is not necessary to apply, at the same time, the Madras Borstal Schools Act to the station. It seems necessary to apply the Act ~~to apply~~ for the following reasons:

(a) Adolescent offenders, like youthful offenders, of the Station do not at present have arrangements for their separate accommodation. Unless a person gets convicted before the age of 16 years, an adolscent offende cannot be admitted into a certified school.

In arranging for separate accommodation for adolscent offenders in Borstal Schools in Madras and elsewhere, the principle has been recognised that it is undesirable for adolscent offenders to associate with the more hardened criminals in ordinary jails. Even in the case of offendes who attain adolscence after their admission into a certified school, it may be undesirable to allow them to exercise a bad influence over younger boys who may be in the same school. It is apparently for this reason that ~~the~~ clause (e) of subsection (2) of section 35 of the Madras Children Act has been introduced.

(b) When the Madras Children Act is applied to the Station, Subsections (2), (3) and (4) of section 35 apply as a matter of course, unless they are specifically excluded. It becomes necessary then to apply the provisions of the Borstal Schools Act to the Station as a

necessary

necessary sequel to the application of section 35 of the Children Act and to enable the Local Govt. to transfer youthful offenders of over 16 years of age from certified schools to Borstal Schools whenever necessary.

28 If, however, it is not considered necessary to apply the Borstal schools Act 1925 at present it may be possible for the Government (i.e., the Local Government) to exclude, by notification under section 1(3) of the Children Act, from the operation of Clause (e) of subsection (2) and subsection (3) of section 35, the persons who would otherwise be subject to those provisions.

29 If it is proposed to apply the Borstal schools Act the question will also arise as to the accommodation in Borstal Schools of persons other than those transferred ~~from transferred~~ from certified schools i.e., adolscent offenders sentenced by criminal Courts. Section 8 of the Borstal Schools Act provides that a Court may lawfully order the detention of adolscent offenders in a Borstal School in lieu of imprisonment. The section does not however lay any statutory obligation on the court to order the detention of such offenders in Borstal schools. There can be no ~~obligation~~ objection therefore in giving the Act, if applied, only a partial operation viz., to the extent necessary to provide for the accommodation and training

of

of persons transferred to Borstal Schools under section 35(2) of the Children's Act. If the operation of the Act is to be effected so as to provide for the detention in Borstal schools of adolescent offenders as defined in section 2(1) of the Borstal schools Act, (i.e., other than those transferred under section 35(2) of the Children Act) the question of the number requiring such accommodation every year, the willingness of the Government of Madras to admit them in Madras Borstal Schools and the extra cost on account of their separate accommodation will have to be considered. Detention in Borstal Schools will be for a period of not less than 2 years, and not more than 5 years (section 8). These matters may, if considered necessary, be taken up separately.

The two Acts may however be applied at once. A draft to the Government of India is submitted.

V.V. Mayan.
18.3.34.

(From Para 19)

Secy.

31

I do not think that this really need have taken 3½ months to come up; and I certainly do not remember even having seen the case submitted "Under Rule"; Was it ever so submitted?

32

It is clearly very desirable that we should accept the Madras Government's offer, if the Government of India will agree to let us make the necessary provision of funds. Our only reason for not making a reccommendation to Government of India long ago was that up till recently neither Madras nor Bombay Government could provide the necessary accommodation. Now that the Madras Government can do so, we ought not to allow considerations of economy to stand in the way, particularly as the extra cost involved is not very great. The importance of proper supervision and education of youthful offenders is now universally recognised; and we cannot regard it as satisfactory that youthful offenders from Bangalore Civil and Military Station should still have to be sent to the ordinary jails

33

I agree with para 25 of the notes. Our proposals originally started in 1921 from a consideration of the large number of youthful vagrants (and potential offenders) in the Station; and it seems important that

(N)

that section 29 of the Children Act should be applied. If and when the time comes to do so, we shall of course have to frame suitable rules to govern the local application of the ~~Station~~ Section. We might start drafting these rules during the time that the main proposal is under consideration of Government of India.

34 I agree also with para 27 of the notes. The Borstal Schools Act must be applied in addition to the Children's Act. It is very desirable on general grounds also that this should be done; and the alternative suggested in para 28 would not be satisfactory in practice. The Act may, in the first place, be used only for purposes of transfers from certified schools, as suggested in para 29. If in course of time we find it desirable to use the provisions of the Act for direct admissions also, we shall have to work out an estimate of average numbers and then find out from Madras Government whether they could accommodate this number, and at what cost.

35 Retrocession, if it takes place, will, of course, affect the position considerably; but I do not think that we should be justified in holding up our proposals on that account.

36 I have revised the draft to Government of India and

have

have added a draft to Madras Government.

Clone

7.4.34.

Read
(from para 19)

37 Many thanks for a good draft on a rather complicated subject.

38 I agree with your remarks, but think that it would be well to see the provisions of the Borstal Schools Act for direct admissions also. This may, however, be left over till we receive G of I's orders on our present proposals.

39 It will be seen from the Madras Children Act that Rules should be framed simultaneously with the application of the Act. See, for instance, sss 3(8), 19, 20, 29 & 31. There may be other sections.

40 It may be necessary - tho' I'm not sure about that - to frame some rules under the Borstal Schools Act also.

41 The Madras Rules cd. profitably be taken as a guide.

42 Draft Lett. pt. amended in draft letter.

I think this requires further consideration. In the first place the Madras Children Act was passed by the Governor of Madras in Council; while the Borstal Schools Act is an Act of the Local Legislature of Madras.

43 Again it does not appear necessary to apply all the provisions of both Acts. In the case of the Children Act it does not appear necessary to apply for instance

§§ 6 – 17 + 43 (2) [illegible] part of §§ 44.

In the case of the Bristol Schools Act 44
it seems unnecessary to apply §§ 2 (3), 3,
4 (2) (a) – (d) & (4), 5, 10, 13, 15, 16, 17,
20 part 2 & 21.

In the case of sections applied 45
[illegible]

Tbre
13/4

46 Reference para 43-ante re:-

The application of the Act in toto. The practice usually has been to apply to the Station British Indian enactments without making consequential alterations. No irregularity however results from such application. The Government of India Notification No. 261-I dated the 24th April 1929, re: the application of Acts to the Station, specifically provides that the "enactments specified in the schedule hereto annexed shall apply to the C. & M. Station of Bangalore in so far as they may be applicable thereto." . . . The notification also provides in the third proviso that any Court in the Station may construe the provisions of the enactments applied with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court. The Privy Council in a case which went up to them from the Court of the Resident in Mysore (Papiah Naidu Vs. the Raja of Ramnad) commented as follows upon this position:

"The Governor-General of India in Council--- under the order in Council (Foreign Jurisdiction order in Council 1902) is authorised to apply to territories such as this (the C.& M. Station of Bangalore) enactments in force elsewhere with or without modification, where no modification has been made, it is the duty of the Court to apply the provision if it can be applied."

Now however that the question of the detailed application of the Act, Section by section, has been raised, the position is ~~briefly~~ examined below.

47 The Madras Childern' Act:-

Part II of the Madras Children Act provides for the establishment and control of two kinds of certified schools and auxilary homes,---those established by Government and those established by private agency. Secs. 6(i) and 7 (1) relate exclusively to the former and sections 6 (2), 7 (2), 11 to 14 and 16 relate ~~briefly~~ exclusively to the latter. Secs. 8 to 10, 15, 32 and 33, 43 (1), 44 (2) (a)-~~(m)~~ (n) relate to both classes. Sec. 17 provides for the control of a third class-private uncertified schools and institutions for the reception of poor children or young persons— which are not liable to be inspected at present by any Government Department. There are apparently many institutions in the Station of the last description--such as night schools, Sunday schools, orphanages etc. It seems desirable to retain this section (Sec 17) so as to bring such institutions under ~~the~~ Government inspection.

Should any school be established in the Station in future by any private agency for reception of youthful offenders and childern, the retention of sections 6 (2), 7(2) 8 to 10, 11to 14, 15, ~~and~~ 16, 32, 33 and 43, (1) and 44 (2) (a)-(~~l~~) ~~&~~

will enable the local Government to certify them and regulate and control their working. If it is not considered necessary to provide for this eventuality these sections may be omitted.

As the Local Government have no intention of establishing a school in the Station, sections 6(1) and 7(1) may be omitted. Section 43 (2) of the Act provided for the transfer of a child from a school in the Madras Presidency to a school in a State. It may be desirable to retain in the Act as applied a similar provision. In the view indicated above secs. 6 to 16, 32, 33, and 43 may be omitted and the following provisions made in the Act as applied:-

" The Resident in Mysore may, by arrangements made with the Local Government of any Province or the Government of any State, in India, provide for the reception, detention and training of the youthful offenders and children belonging to the C. & M. Station of Bangalore, in the certified schools established and maintained in such province or state and may transfer such youthful offenders and children from one such school to another."

48 The Borstal Schools Act.

The omission of the sections referred to by the Resident will greatly simplify the application of the Act

to

to the station and may be omitted.'

It will however be necessary to substitute the following in the Act as applied, for sections 3 and 13 on the lines of the provisions suggested under the Children's Act. Viz.

"The Resident in Mysore may, by arrangement made with the Local Government of any Province or the Govt. of any State in India, provide for the accomodation of the adolscent offenders of the C. &.M Station of Bangalore in any Borstal School established in any such Province or State and may remove an inmate from one such school to another provided that the whole period of his detention in a Borstal school shall not be increased by such removal." In view of what is already stated in para 41 ante it does not seem necessary to make further verbal changes in the section applied. ~~Reference paras 39 to 41 regarding the rules to be made under the two Acts.~~

41 Rules under the children Act. Reference paras 39 & 41 ante

Since it is not proposed to establish Government certified schools or make provisions for the certification of schools established by private agency it will be unnecessary to take power to make, or to make, rules for the detailed management of such institutions. There will thus be no need to make any rules regarding matters referred to in clauses(a) to (l) and (n) of subsection (2) of Section 44 of the Act. It is not also necessary therefore to apply these clauses.

Rules will have to be made only in respect of the matters referred to in clauses (j)-(m)& (o)-(r) of sub-section (2) of sec.44. These may be on the lines of the rules made in Madras, a copy of which may be obtained.

50 Rules under the Borstal Schools Act. Reference para 40

The Local Govt. may have to make rules only under clause (e) of section 4(2) of the Act.

51 The draft notification has been suitably amended with reference to para 42 ante and the foregoing notes. The draft to the Govt. of Madras has also been slightly amended. The draft to the Govt. of India has also been checked.

52 For orders as to the issue of the drafts.

W. Marar
27.9.34

(...)

Sec.

(...)

53 Only one further point:-

See Sec. 44(2)(f) of the Children Act. Will it not be necessary for us to make any rules for conveyance of Juvenile offenders and children from Bangalore to the certified schools in Madras Presidency?

Clow
7.10.34

54 Reference: Para 53. ante.

Conveyance of youthful offenders of the Station for the first time will be regulated by rules, if any, made by the Resident, but their subsequent transfers, if any, from one school to another in the Madras Presidency will be regulated by the Madras rules.

55 Cl.(f) may also be retained. Draft notification has been amended.

11/x/24.

56 The drafts as finally amended, may now issue?

12.10.24

Read?

57 The Superintendent of Police may send back this file to me tomorrow morning at 11 o'clock.

15/10/24

Issued S. Nos. 1 and 2 & 8 C.M. 22nd.

24th 1924.

Dy. No. 11174 S.N.4

59 A draft notification and a draft letter to the Govt. of Madras are submitted.

60 Under subsection (2) of sec. 1 of the two Acts (the Madras Children Act and the Madras Borstal Schools Act), a separate notification by the Local Govt. appears to be necessary. The Acts will come into force ~~wxth~~ from the date to be specified in the said notification.

61 Separate action is being taken to ~~issue~~ draft rules under the Acts as applied.

62 There may be at present a certain number of juvenile offenders who are undergoing imprisonment in the ordinary jails. Under subsection (5) of sec. 23 of the Madras Children Act, it is open to the Local Govt. to direct that any youthful offender , whose age does not exceed 16 years and who was convicted before the commencement of the Act, of an offence punishable with transportation or imprisonment shall be sent , in lieu of completing such sentence , to a certified school. It is for orders whether any action should be taken to ascertain the number of youthful offenders under 16 years of age now undergoing imprisonment and to send them to certified schools.

[The draft to the Govt. of Madras will have to be added to, if it is proposed to transfer to certified schools the juvenile offenders now in jail.]

5/xii

Leg.

63 para 62.

We should consult Dist Registrars on this point after the drafts are passed under

Consideration has issued. If we do decide to transfer any of our surplus officers who are approved candidates for employment in outlying fields, it will be more appropriate to deal with this in a separate letter, rather than in the letter conveying formal acceptance of the proposals.

64 Paras 59 and 60.

The drafts seem to be in order; but before we go further, I should like to be satisfied that the additional expenditure will and can be met entirely from A.T. Revenues. Are all Jail charges met from A.T. Revenues?

[signature]

6.12.34

65

Provision of funds in 1934-35.

Only 19 boys are expected to be sent to Certified - Schools in a year; and the Acts are to be brought into force only in February 1935. So provision to be made on account of new admissions in the current year will be very little - about Rs.50/-. The number of boys now in jail who may be transferred to Certified Schools is not known. It may however be taken roughly at 20. On this basis the additional amount to be provided in the current year's budget will be Rs. 400

50

Rs. 450

A sum of Rs.450/- may accordingly be provided by re-appropriation.

7/24

Thro' Budget Clerk with ref: to paras 64 & 65.

Para 64 ante.

All jail charges are met entirely from M.A.T. revenues.

The present proposal will ultimately throw an additional expenditure of about Rs.14,000/- a year on the M.A.T. revenues. The present scale of expenditure is already in excess of the datum line of 13 lakhs by about Rs.77,000/- a year; and the excess is now being met out of the A.T. share of the surplus. We have agreed to the continuance of the existing financial settlement with Mysore pending a decision on the question of Retrocession. If Retrocession does not come about, the excess over the datum line, including the present item of ~~the~~ expenditure, will have to be taken into account in revising the - financial settlement with Mysore. The total expenditure is well within receipts.

67

Para 65 ante.

Necessary re-appropriation of funds to the extent of Rs. 450/- during the current

current year has been made - vide "Excess & Savings Statement" file submitted separately. As regards expenditure during 1935-36 it is proposed in draft I to ask the Collector and Dist. Magistrate to submit necessary proposals for re-appropriation in due course.

7.12.34.

T. N. T.
7-12-34.

Secretary.

Circle Reader please see from para. 59.
The drafts may issue?

10.12.34

15/12 Issued S. N. 5 & 6 dt 5-1-'35.

CORRESPONDENCE.

S. N. 1

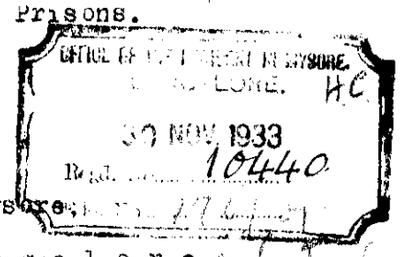
No. 1[illegible]7 Office of the Inspector General of Prisons,

Ootacamund, dated the 28th November 1933.

From

Lieut-Col.G.W.Maconachie,M.B.,I.M.S.,

Inspector General of Prisons.



To

The Secretary to the Hon'ble

the Resident in Mysore,

Bangalore.

Sir,

With reference to your letter No.10308/796-1931 dated 2nd November 1933, I have the honour to forward herewith a revised statement showing the contribution paid towards the cost of the maintenance of juvenile offenders under 16 years of age belonging to the Civil and Military station, Bangalore who were under-going imprisonment during the last five years in the Madras Jails.

2. The statement is itself explanatory as regards the calculation of maintenance charges.

I have the honour to be,

Sir,

Your most obedient servant,

Personal Assistant
to the Inspector General of Prisons.

TSV.

Jail.	Convict No.	Name of convicts.	No. of days for which maintenance charges were recovered.	Cost of maintenance. Direct charges. Rate* Rs.	Amount. Rs.	Indirect charges. Rate† Rs.	Amount. Rs.	Total. Rs.
Central Jail, Vellore. (for 1931).	3965	Ramakrishna Mayudu. (from 19-9-1931).	104.	133 3 0.	37 15 2.	12 7 0.	3 8 8.	41 7 10.
For 1932.-								
Central Jail, Vellore.	3965.	Ramakrishna Mayudu.	366.	100 14 0.	100 14 0.	12 7 0.	12 7 0.	113 5 0.
,,	6996.	Munisamy. (from 29-11-1932).	33.	100 14 0.	9 1 6.	12 7 0.	1 1 11.	10 3 5.
,,	6076.	Pandu Ranga Rao. (from 29-7-1932 to 11-8-1932).	14.	100 14 0.	3 13 9.	12 7 0.	0 7 7.	4 5 4.
,,	6079.	Kamalachari. (from 29-7-32 to 11-8-1932).	14.	100 14 0.	3 13 9.	12 7 0.	0 7 7.	4 5 4.
,,	6075.	Krishnan. (from 29-7-32 to 11-8-1932).	14.	100 14 0.	3 13 9.	12 7 0.	0 7 7.	4 5 4.
Central Jail, Salem.	From 12-8-1932.							
	3844.	Pandu Ranga Rao.	142.	95 4 2.	36 15 4.	12 7 0.	4 13 2	41 12 6.
	3845.	Kamalachari.	142.	95 4 2.	36 15 4.	12 7 0.	4 13 2	41 12 6.
	3846.	Krishnan.	142.	95 4 2.	36 15 4.	12 7 0.	4 13 2.	41 12 6.
					Grand Total.			303 5 9.

*As per column 14 of Statement No.IX.Financial appended to the Administration Report.
†This is the rate which was fixed for three years from 1-4-1931 with reference to letter No.4346, dated 30-11-1931 from Government.

(3)

No. F.1018-34
R. O. I.

From

The Hon'ble Lieut. Colonel C.T.C.Plowden, C.I.E.,
Resident in Mysore.

To

The Political Secretary to the Government of India,
Foreign and Political Department.

Dated Bangalore, the 22nd Oct. 1934.

Application to the Civil and Military Station, Bangalore, of the Madras Children Act, 1920, and the Madras Borstal Schools Act, 1925.

Sir,

I have the honour to address you on the subject of the application of the two Acts mentioned above to the Civil and Military Station of Bangalore.

2. Criminal offenders of the Station whether adults, juveniles, or children, are at present accommodated, by arrangement with the Governments of Mysore and Madras, either in the Central Jail, Bangalore, or in the Madras Jails, according as their term of imprisonment is for one year (or less) or for more than one year. The question of providing separate accommodation for the reception of youthful - - offenders of the Civil and Military Station has been under the consideration of this Residency for a long time past. A census of juvenile vagrants (from whose ranks juvenile criminals are usually drawn), which was taken some time ago by the District Superintendent of Police, disclosed the fact that in two small areas of the Station, there were as many as 51 juveniles without homes and, in the majority of cases, without parents. The Madras Children Act (No. IV of 1920),

which

which provides for the proper treatment of such persons, could not however be applied to the Station at that time on account of the difficulty of providing proper accommodation. Attempts on the part of this Administration to persuade the Governments of Madras and Bombay to agree to the accommodation in their Reformatory Schools of youthful offenders from the Civil and Military Station of Bangalore proved infructuous. The Government of Mysore did not, and do not even now, possess a Reformatory School. The matter was therefore not pursued.

3. The question was revived recently by the District Magistrate of the Civil and Military Station; and the Government of Madras have now agreed to make arrangements for the accommodation of juvenile offenders of the Station in their certified schools at Chingleput and Bellary, on the understanding that the charges on account of the maintenance, education and transport of the juveniles are met by the Civil and Military Station Administration.

4. On the basis of the actual figures for 1930, the Government of Madras have estimated the direct and indirect charges at Rs.240/- per head per annum, excluding the cost of transport, which is likely to be very little. They have proposed that this rate should be in force for three years from 1st January 1933 and should be subject to revision thereafter with reference to the actuals of the direct and indirect charges incurred on the schools during that period. Juvenile offenders are normally detained in a certified school for a period of three or four years. The annual average number of persons under 16 years of age sentenced by the Station Courts and imprisoned in the Central Jail at Bangalore, or in one of the Jails in the Madras Presidency,

taking

taking the figures for five years, was 19. On this basis it will be necessary to provide accommodation for about 57 or 76 juveniles every year, according as the period of detention is for three or four years. The average annual expenditure which is likely to be incurred on account of the maintenance and education of the boys, on the basis of the rate provisionally fixed by the Government of Madras, is Rs.13,680/- or Rs.18,240/- as the case may be.

5. The rate at which payment is now being made for the accommodation of juveniles in the Bangalore Central Jail is Rs.131/- and, in the Madras Jails, Rs.128/- per head per annum. These figures, however, represent the annual rates at which payment is made: the actual cost is very much lower, because of the short average period of detention, and averages out at about Rs.3/- per head per annum only. The average total annual expenditure under the present system on maintenance of juvenile offenders in the Jails of Bangalore and Madras amounts to Rs.278/- only, as against Rs.13,680/- or Rs.18,240/- which will be incurred if the same number of juveniles are sent to certified schools. The latter figure, however, includes the cost of education, in respect of which the Government liability in the Civil and Military Station of Bangalore is Rs.25-2-1 per head per annum. If this liability is taken into account, Government will be freed from expenditure to the extent of Rs.1,432/- or Rs.1,909/- on account of education in Bangalore; and the actual net cost may be estimated at Rs.1,710/ or Rs.2,187/- under the jail system, as against Rs.13,680/- or Rs.18,240/- if the juveniles are sent to certified schools. Expenditure under the latter system would be cumulative for the first three or four years, ranging from Rs.4,560/- in the first year to Rs.13,680/- in the third;

and

and it is unlikely that the fourth year figure of Rs.18,240 would ever be reached. The expenditure during the current year will be small and arrangements will be made to meet it by reappropriation.

6. It will be seen, therefore, that the extra expenditure involved is not likely to be very heavy; and even if it were otherwise, the importance of making proper arrangements for the supervision and education of youthful offenders and vagrants of the Civil & Military Station of Bangalore is so great that ordinary considerations of economy should not be allowed to stand in the way.

7. Section 35 of the Madras Children Act, as amended in 1928, provides for the transfer of a youthful offender over the age of 16 years from a certified school to a Borstal School established under the Madras Borstal Schools Act, 1925, in the interest of discipline or for other special reasons. It will therefore be necessary to apply both Acts simultaneously; and I accordingly recommend that the Madras Children Act, 1920, (Act No.IV of 1920) and the Madras Borstal Schools Act, 1925, (Act No.V of 1926) be applied to the Civil and Military Station of Bangalore.

8. A draft of the necessary Notification is enclosed. The omissions and modifications in the two Acts have been suggested in order to simplify their local working.

I have the honour to be,

Sir,

Your most obedient servant,

o/c Lieut. Col.,

RESIDENT.

BJ

17

No.

GOVERNMENT OF INDIA.

Foreign and Political Department.

New Delhi, the Oct. 1934.

NOTIFICATION.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that the following further amendments shall be made in the schedule to the Notification of the Government of India in the Foreign and Political Department, No. 261-I, dated the 24th April 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely:-

In the said schedule,

(I). Under "Acts of the Governor of Madras in Council", after entry No.3, the following entry shall be inserted, namely:-

"3.A. The Madras Children Act,1920. (Act No.IV of 1920)".	(i) For section 6 the following shall be substituted:- "The Resident in Mysore may by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the reception, detention, and training of youthful offenders and children belonging to the Civil & Military Station of Bangalore in the certified schools established and maintained in such Province or State, and may transfer such youthful offenders and children from one such school to another". (ii) Sections 7 to 16, 32,33 43, and clauses (a)to(e),(g)-(i) and (n) of sub-section (2) of section 44 shall be omitted.

(ii) Under "Acts of the Madras Legislative Council", after entry No.5, the following entry shall be inserted,namely:-

"6.

"6. The Madras Borstal Schools Act, 1925 (Act No.V. of 1926)".	(i) For section 3 ~~of~~ the following shall be substituted: "The Resident in Mysore may, by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established and maintained in any such Province or State, and may remove an inmate from one such school to another, provided that the whole period of his detention in a Borstal school shall not be increased by such removal". (ii) Sub-section (3) of section 2, Cl.(a) to (d) of sub-section (2) and sub-section (4) of section 4, sections 5,10,13,15,16, 17, section 20 para 2, and section 21 shall be omitted.

S/c

POLITICAL SECRETARY TO THE GOVERNMENT OF INDIA.

BJ

19

S.N.S.

Draft.

No. F-1018/34 dated the 24/10/1934.

From R.S.I

The Secretary to the Resident.

To

The Secretary to the Government of Madras, Law (Education) Dept.

Subject:-

Accommodation in certified Schools in Madras Presidency of Juvenile offenders of the Civil and Military Stan. Bangalore.

Sir,

In continuation of this Residency letter No. 10309, dated the 2nd November 1933, I am directed to say that the Hon'ble the Resident has recommended to the Government of India that the Madras Children Act, 1920 (Act. No. IV of 1920) and the Madras Borstal Schools Act, 1925 (Act No. V of 1926) should be applied to the Civil and Military Station, Bangalore. If the recommendation is accepted by the Government of India, the Resident will be glad to agree to the proposal of the Madras Government.

I am further to request that if there is no objection, you will be so good as to furnish for the Resident's information a copy of the rules made by the Government of Madras under the two Acts.

I have etc.,

Secretary to the Resident.

S.N. 4

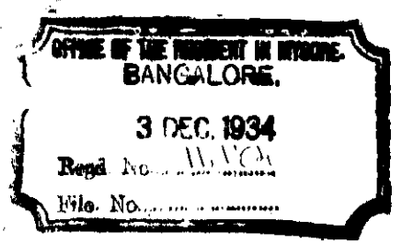
No.F.57(3)-I.B/34.

From

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To

The Hon'ble the Resident in Mysore.



Dated New Delhi, the 28th November 1934.

Application to the Civil and Military Station, Bangalore, of the Madras Children Act, 1920, and the Madras Borstal Schools Act, 1925.

.....

Sir,

With reference to your letter No.F.1018-34/R.O.I., dated the 22nd October 1934, I am directed to state that the Government of India approve your proposal for the application of the above-mentioned Acts to the Civil and Military Station of Bangalore, and I am to forward, for information, a copy of the marginally cited Notification on the same subject.

Notification No. 6/4-I.B., dated the 28th November 1934.

2. I am to convey the sanction of the Government of India to additional expenditure being incurred as set forth in paragraphs 4 and 5 of your letter under reply, on the understanding that it will be met entirely from the Revenues of the Assigned Tract. It is understood that additional expenditure during the current financial year can be met by reappropriation. As no additional provision on the above account has been suggested by you in your budget estimates for 1935-36, it is assumed that you will be able to meet the extra expenditure within

the

the budget allotment for that year. In the event of your not being able to do so, the item may kindly be included in your statement of excesses and savings which will be submitted to the Government of India in December 1935.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Secretary to the Government of India.

No. 614-I.B.

Government of India.

Foreign and Political Department.

Dated New Delhi, the 28th November 1934.

N O T I F I C A T I O N.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendments shall be made in the Schedule to the Notification of the Government of India in the Foreign and Political Department, No.261-I, dated the 24th April 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely:-

In the said Schedule -

(I) Under the heading "Acts of the Governor of Madras in Council", after entry No. 3, the following entry shall be inserted, namely:-

"3.A. The Madras Children Act, 1920 (Madras Act No.IV of 1920)".	(i) For section 6 the following Section shall be substituted, namely:- "(6) The Resident in Mysore may by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the reception, detention, and training of youthful offenders and children belonging to the Civil and Military Station of Bangalore in the certified schools established and maintained in such Province or State, and may transfer such youthful offenders and children from one such school to another". (ii) Sections 7 to 16, 32,33,43, and clauses (a) to (e), (g) to (i) and (n) of sub-section (2) of section 44 shall be omitted."

(II)

(II) Under the heading "Acts of the Madras Legislative Council", after entry No. 5, the following entry shall be inserted, namely:-

"6. The Madras Borstal Schools Act, 1925 (Madras Act No.V of 1926)".	(i) For section 3 the following Section shall be substituted namely:- "(3) The Resident in Mysore may, by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established and maintained in any such Province or State, and may remove an inmate from one such school to another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal". (ii) Sub-section (3) of section 2, clauses (a) to (d) of sub-section (2) and sub-section (4) of section 4, sections 5, 10,13,15,16,17, section 20 paragraph 2, and section 21 shall be omitted".

Sd.B.J.Glancy,

Political Secretary to the Government of India.

TRUE COPY.

Superintendent, Issue Branch,
Foreign & Political Department.

S.N.5

PROCEEDINGS OF THE HON. THE RESIDENT IN MYSORE.

Notification.

No. 1 & 5/1/35.

The appended notification of the Govt. of India will be republished in the Mysore Residency Orders.

2. In exercise of the powers conferred by subsection (2) of section 1 of the Madras Children Act, 1920, as applied to the C. & M. Station of Bangalore, the Hon. the Resident is pleased to apply all the provisions of said Act to children, young persons, and youthful offenders in the said Station with effect from the 1st Feb. 1935.

3. In exercise of the powers conferred by subsection (2) of sec.1 of the Madras Borstal Schools Act, 1925, as applied to the C. & M. Station of B'lore, the Hon. the Resident is pleased to apply all the provisions of the said Act to adolescent offenders of the male sex in the said Station with effect from the 1st Feb. 1935.

Secretary to the Resident.

Copy to :-

The Manager, Residency Press, B'lore for publication in the Mysore Residency Orders (30 copies to be supplied).

The District and Sessions Judge, C. & M. Station, B'lore, for information.

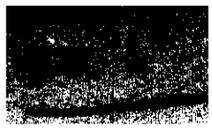
The District Magistrate, C. & M. Stn B'lore, with copy of letter from this Residency No. 1018/34 dated the 22nd

October 1934 and letter from the Govt. of India , No. F.57(3) - I.B/34, dated the 28th Nov. 1934, It is requested that necessary proposals for the reappropriation of funds with refernce to para 2 of letter from the Govt. of India may be submitted to this Residency in due course.

Appendix

[Here enter notification at pages 12-13 cor.]

P. T. O.



THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. 1/F. 1018-34, dated Bangalore, the 5th January 1935.

The appended notification of the Government of India will be republished in the *Mysore Residency Orders.*

2. In exercise of the powers conferred by sub-section (2) of section 1 of the Madras Children Act, 1920, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to apply all the provisions of the said Act to children, young persons, and youthful offenders in the said Station with effect from the 1st February 1935.

3. In exercise of the powers conferred by sub-section (2) of section 1 of the Madras Borstal Schools Act, 1925, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to apply all the provisions of the said Act to adolescent offenders of the male sex in the said Station with effect from the 1st February 1935.

C. G. N. EDWARDS,
Secretary to the Resident.

APPENDIX.

No. 614-I.B.

GOVERNMENT OF INDIA.

FOREIGN AND POLITICAL DEPARTMENT.

NOTIFICATION.

Dated New Delhi, the 28th November 1934.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendments shall be made in the Schedule to the Notification of the Government of India in the Foreign and Political Department, No. 261-I, dated the 24th April 1929, applying certain enactments to the Civil and Military Station of Bangalore, namely :—

In the said Schedule—

(I) *Under the heading "Acts of the Governor of Madras in Council"*, after entry No. 3, the following entry shall be inserted, namely :—

"3-A. The Madras Children Act, 1920 (Madras Act No. IV of 1920)".	(i) For section 6 the following Section shall be substituted, namely :— "(6) The Resident in Mysore may, by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the reception, detention, and training of youthful offenders and children belonging to the Civil and Military Station of Bangalore in the certified schools established and maintained in such Province or State, and may transfer such youthful offenders and children from one such school to another". (ii) Sections 7 to 16, 32, 33, 43, and clauses (*a*) to (*e*), (*g*) to (*i*) and (*n*) of sub-section (2) of section 44 shall be omitted."

(II) Under the heading *"Acts of the Madras Legislative Council"*, after entry No. 5, the following entry shall be inserted, namely :—

"6. The Madras Borstal Schools Act, 1925 (Madras Act No. V of 1926)".	(i) For section 3 the following Section shall be substituted, namely :— "(3) The Resident in Mysore may, by arrangements made with the Local Government of any Province or the Government of any State in India, provide for the accommodation of adolescent offenders of the Civil and Military Station of Bangalore in any Borstal School established and maintained in any such Province or State, and may remove an inmate from one such school to another, provided that the whole period of his detention in a Borstal School shall not be increased by such removal". (ii) Sub-section (3) of section 2, clauses (*a*) to (*d*) of sub-section (2) and sub-section (4) of section 4, sections 5, 10, 13, 15, 16, 17, section 20, paragraph 2, and section 21 shall be omitted."

B. J. GLANCY,
Political Secretary to the Government of India.

1216 (1)—12-1-1935—80—RPB.

S.N. 6.

DEPARTMENT. File No.

BRANCH. Serial No

Draft Letter ~~Memorandum~~ ~~Telegram~~

Class for telegrams | Ordinary | Express | Urgent* | Priority | Clear Line† | *Only for Foreign Telegrams. †Not for Foreign Telegrams.

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

No.F.1018/34 Dated 5th Jan ~~Dec.~~ 1935

To

The Secretary to the Govt. of Madras, Law(Education) Deptt.

Subject:- Accomodation in Certified Schools in the Madras Presidency of juvenile offenders of the C. & M. Station of Bangalore.

Sir,

I am directed to refer to the correspondence ending with letter from this Residency, No. F.1018/34, dated the 24th October 1934, and to say that the Govt. of India have approved the proposal for the application of the Madras Children Act, 1920, and the Madras Borstal Schools Act, 1925, to the C. & M. Station of Bangalore, and that it is proposed to bring the Acts into force in the Station from the 1st Feb. 1935. Copies of the notifications of the Govt. of India and of the Hon. the Resident are enclosed for your information.

2. I am to add that the Govt. of India have also accepted the proposal for the accomodation of the juvenile offenders of the Station in the Certified Schools in the Madras Presidency, subject to the conditions laid

S. 5.
MG1PC—S1—769(G1)DCF—(Q-948)—11-7-29—50,000 Pads.

down in your letter no. 713 B/31-17
dated the 20th December 1932.

I have etc.,

Secretary to the Resident

Sectt. II-14—3,800—9-11-34.

GOVERNMENT OF MADRAS

FORT ST. GEORGE,
~~CONSTANTINOPLE~~
13th February 1935.

S. N. 7

From

D. H. Boulton Esq., I. C. S.,

Deputy SECRETARY TO THE GOVERNMENT OF MADRAS,
Education DEPARTMENT,

To THE Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

I am directed to forward the enclosed proceedings of the Madras Government, No. 257 Ms. Edn., dated the 13th February 1935.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE
16 FEB 1935
Regd. No. 1681
File. No.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy *Secretary.*

Received.....1935. Registered.....1935.

Children Act - Abstract.

Juvenile Offenders of the Civil and Military Station, Bangalore - Admission into the certified schools in Madras Preisdency - Proposal of the Resident accepted.

EDUCATION DEPARTMENT.

G.O.No.257 ms. dated 13th February 1935.

Read:- From the Secretary to the Hon'ble the Resident in Mysore, No.F.1018-34/R.O.I dated 5-1-1935.

Please see S.N.C R.97-35

O r d e r.-

The Chief Inspector of Certified Schools is informed that juvenile offenders of the Civil and Military Station, Bangalore, may be admitted into the Certified Schools in this Presidency on the following terms which have been agreed to by the Hon'ble the Resident in Mysore:-

(1) Boys below 12 years of age should be sent to the Junior Certified School, Bellary, and those above 12 and below 16 years of age to the Senior Certified School, Chingleput.

(2) Charges on account of the maintenance and education of the boys sent from the Civil and Military Station should be made good by the Hon'ble the Resident at the rate of Rs 240/- a year per pupil. This rate will be in force for three years beginning from the 1st February 1935 and will be subject to revision thereafter with reference to the actuals of the direct and indirect charges incurred on the schools during the period.

(3) If the boys are transferred from one school to another, the charges on account of transport should also be paid from the revenues of the Civil and Military Station.

(By order of the Governor in Council).

D. H. BOULTON,
Deputy Secretary to Govt.

To
The Chief Inspector of Certified Schools (with copy of Resident's letter and enclosures).
The Accountant-General, through the Finance Department.
The Secretary to the Hon'ble the Resident in Mysore, Bangalore, (with C.L.).
The Finance Department.
The Law (General) Department.

~~Forwarded.~~
~~(By order)~~
(True Copy)

S.N. Panchanadeswar

Superintendent.

S. N. 8

21

Issued 1.3.35

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Bangalore, the 28th March ~~19th~~ 1935.

No. F. 1018/34
R. O. I.

A copy of the undermentioned paper(s) is forwarded to the

District and Sessions Judge, C. & M.
District Magistrate
Station, Bangalore,

for information, ~~in continuation of~~ with reference to the correspondence ending with ~~(this)~~

~~Memorandum~~ ~~letter~~ ~~endorsement~~ ~~from~~ this Residency notification

No. 1, dated the 5th Jan. 1935.

By order, etc.,

Sd. A. J. Courtney.

~~Secretary~~ Asst. Secy. to the Resident in Mysore.

List of papers.

Proceedings of the Govt. of Madras in the Education Dept. G.O. No. 257 Ms. dated the 13th 2-1935.